

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**Diane Robinson**

Plaintiff(s)

vs.

**CASE NUMBER: 1:12-CV-698 (NAM/RFT)**

**Jimmy Webber**

Defendant(s)

**Decision by Court.** This action came to hearing before the Court.  
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Randolph F. Treece is ADOPTED in its entirety, therefore the Complaint filed by Diane Robinson is DISMISSED pursuant to 28 U.S.C. section 1915(e)(2)(B)(ii) and (iii) for failure to state a claim upon which relief may be granted and for failure to establish subject matter jurisdiction, without prejudice and with leave to replead. Further the Motion for Leave to Proceed in forma pauperis is DENIED AS MOOT.

All of the above pursuant to the order of the Honorable Judge Norman A. Mordue, dated the 28<sup>th</sup> day of September, 2012.

DATED: September 28, 2012



Laurence A. Baum  
Clerk of Court

s/

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Joanne Bleskoski  
Deputy Clerk